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4 **UNITED STATES DISTRICT COURT**
5 **NORTHERN DISTRICT OF CALIFORNIA**
6 **SAN JOSE DIVISION**
7

8 UNITED STATES OF AMERICA,

9 Plaintiff,

10 v.

11 MELVIN RUSSELL “RUSTY” SHIELDS,

12 Defendant.

Case No. 12-cr-00410-BLF-1

**ORDER CONSTRUING DEFENDANT
SHIELDS’ LETTER FILED JANUARY
5, 2018 AS A MOTION FOR
RECONSIDERATION; AND DENYING
MOTION FOR RECONSIDERATION**

[RE: ECF 484]

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14 On December 28, 2017, the Court granted the Government’s administrative motion to
15 extend its deadline to respond to Defendant Melvin Shields’ motion for relief pursuant to 28
16 U.S.C. § 2255. *See* Order Granting United States’ Motion for Administrative Relief, ECF 483.
17 The Court extended the Government’s response deadline from December 29, 2017 to February 28,
18 2018. *See id.*

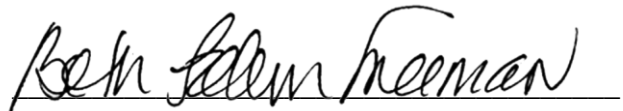
19 On January 5, 2018, Mr. Shields filed a letter opposing the Government’s administrative
20 motion. *See* Letter, ECF 484. The letter, which is 2 pages in length, challenges certain statements
21 made in the Government’s administrative motion; requests that the Court grant his § 2255 motion
22 immediately; argues that the Government should be granted no extension or, at most, a short
23 extension; and requests bail in the event that the Government’s motion for an extension is granted.
24 *See id.*

25 The Court construes Mr. Shields’ letter as a motion for reconsideration of its order granting
26 the Government’s administrative motion. While the Court acknowledges Mr. Shields’ frustration
27 at the delay in the briefing of his § 2255 motion, Mr. Shields chose to assert claims of ineffective
28 assistance of trial counsel, and the Government must obtain trial counsel’s records in order to

1 evaluate and respond to those claims. The Government's explanation of the delay in obtaining
2 trial counsel's records is reasonable, as are the efforts the Government has made to date to obtain
3 those records. Accordingly, Mr. Shields' motion for reconsideration is DENIED. Mr. Shields'
4 renewed request for bail is DENIED for the reasons set forth in the Court's prior order denying
5 bail. *See* Order Denying Defendant's Emergency Motion for Immediate Release, ECF 467.

6 **IT IS SO ORDERED.**

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8 Dated: January 12, 2018

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10 BETH LABSON FREEMAN
11 United States District Judge
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